



CHAPTER xxi.

An Act to confer borrowing powers on the corporation of London as port health authority of the Port of London to amend the Public Health (London) Act 1936 to vary the financial powers of the Corporation to make provision as to legal quays and election expenses and for other purposes. [25th May 1939.]

WHEREAS by section 291 of the Public Health Act 1875 the mayor aldermen and commons of the city of London (in this Act referred to as "the Corporation" and "the city" respectively) were constituted the port sanitary authority of the Port of London: 38 & 39 Vict. c. 55.

And whereas the said section 291 was repealed by the Public Health (London) Act 1891 but by section 111 of the said Act of 1891 the Corporation continued to be such port sanitary authority and by section 112 of the said Act of 1891 the Local Government Board were empowered by order to assign to the Corporation as such port sanitary authority any powers rights duties capacities liabilities or obligations of a sanitary authority under the said Act of 1891 or the said Act of 1875: 54 & 55 Vict. c. 76.

And whereas the Local Government Board and the Minister of Health have made orders assigning divers powers to the Corporation as a port sanitary

authority including the London Port Sanitary Authority (Additional Powers) Order 1922 whereby the powers rights duties capacities liabilities and obligations of a sanitary authority under sections 233 to 243 of the Public Health Act 1875 were so assigned to the Corporation :

23 & 24
Geo. 5. c. 51.
26 Geo. 5. &
1 Edw. 8.
c. 49.
26 Geo. 5. &
1 Edw. 8.
c. 50.

And whereas by reason of the repeal of numerous enactments by the Local Government Act 1933 the Public Health Act 1936 and the Public Health (London) Act 1936 doubts have arisen as to the competence of the said Minister to vest in the Corporation the power to borrow money for the purpose of defraying expenses incurred and discharging loans contracted in the execution of the duties of the Corporation under the Public Health (London) Act 1936 and it is expedient that borrowing powers should be conferred on the Corporation as by this Act provided :

And whereas it is expedient that the said Minister should be empowered as by this Act provided to amend consolidate or revoke orders made under the Public Health (London) Act 1891 and the Public Health (London) Act 1936 :

10 & 11
Geo. 5. c. 80.

And whereas by various enactments including the Air Navigation Act 1920 the Corporation are authorised to borrow money under the City of London Sewers Acts 1848 to 1897 for the purposes specified in such enactments :

11 & 12 Vict.
c. clxiii.

And whereas under sections 221 and 222 of the City of London Sewers Act 1848 whereby the Corporation are required once in every year to set aside for the purpose of providing a sinking fund not less than five pounds per centum nor more than ten pounds per centum of the moneys borrowed the maximum period for repayment of loans is approximately twenty years and it is expedient that such period should be extended as in this Act provided :

47 & 48 Vict.
c. 70.

And whereas municipal elections in the city are regulated by the Municipal Elections (Corrupt and Illegal Practices) Act 1884 and it is provided by section 35 of the said Act that in the case of an election by liverymen in common hall a sum may

2 & 3 GEO. 6.

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be paid and expenses incurred if a poll be not demanded not exceeding forty pounds and if a poll be demanded then not exceeding two hundred and fifty pounds and in the event of a poll being demanded such poll shall take place on the third day after the demand for a poll be made :

And whereas the effect of the said section is that in the case of such an election candidates are in doubt until three days before a poll as to the amount of the expenses which may be lawfully incurred and it is expedient that the said section should be amended to authorise the expenditure of two hundred and fifty pounds by each candidate whether a poll is demanded or not :

And whereas by the City of London (Various Powers) Act 1937 the Corporation were authorised to extend Billingsgate Market and for such purpose to acquire lands and construct a new quay :

1 Edw. 8. &
1 Geo. 6.
c. xlv.

And whereas the said lands include Botolph Wharf and Nicholson's Wharf which under the Acts commonly known as the Legal Quays (London) Acts 1846 and 1847 are legal quays for the shipping or unshipping of general merchandise and it is expedient that such wharves should cease to be legal quays :

9 & 10 Vict.
c. cccxcix.
10 & 11 Vict.
c. cc.

And whereas the Corporation are establishing an aerodrome at Fairlop in the county of Essex and it is expedient that they should be empowered to make charges in respect thereof and to make such provision as to receipts and expenditure in connection with their aerodrome undertaking as in this Act contained :

And whereas it is expedient that the other provisions in this Act contained should be enacted :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the City of London (Various Powers) Act 1939. Short title.

Interpre-
tation.

2. In this Act unless there be something in the subject or context repugnant to such construction—

“The city” means the city of London;

“The Corporation” means the mayor and commonalty and citizens of the city acting by the mayor aldermen and commons of the city in common council assembled;

“The Minister” means the Minister of Health;

“The Act of 1937” means the City of London (Various Powers) Act 1937.

Power for
port health
authority
to borrow.

3.—(1) The Corporation shall have power in addition and without prejudice to any other powers of borrowing from time to time to borrow with the consent of the Minister such sums as may be requisite for defraying any costs charges and expenses incurred or to be incurred by them in the exercise of any powers rights duties capacities liabilities or obligations vested in or imposed on them as the port health authority of the Port of London or for discharging any loans contracted by them for the purpose of defraying such costs charges and expenses as aforesaid.

(2) Every sum borrowed under this section shall be repaid within such period not exceeding sixty years as the Corporation with the consent of the Minister may determine.

As to orders
made under
Public
Health
(London)
Acts.

4. The power of the Minister by order under section 6 of the Public Health (London) Act 1936 to vest in or impose on the Corporation as the port health authority of the Port of London functions rights or liabilities of a sanitary authority shall include power on the application of the Corporation as such port health authority by order to amend or consolidate or revoke any order or orders made under that section or under section 112 of the Public Health (London) Act 1891.

Period for
repayment
of moneys
borrowed
under
Sewers Acts.

5. Notwithstanding anything in section 221 or section 222 of the City of London Sewers Act 1848 requiring the Corporation once in every year to set aside not less than five pounds per centum nor more than ten pounds per centum of the moneys borrowed every sum borrowed by the Corporation after the

passing of this Act under the City of London Sewers Acts 1848 to 1897 may be repaid within such period as the Corporation may determine but not exceeding sixty years.

6. Section 35 of the Municipal Elections (Corrupt and Illegal Practices) Act 1884 shall be read and have effect as if the words "if a poll be not demanded not exceeding forty pounds and if a poll be demanded, then" were omitted from paragraph (7) of that section.

Amendment of section 35 of Municipal Elections (Corrupt and Illegal Practices) Act 1884.

7. Notwithstanding any enactment law usage or custom of the city or elsewhere to the contrary the quays or wharves known respectively as Botolph Wharf and Nicholson's Wharf and any other quay or wharf acquired by the Corporation under the powers of the Act of 1937 for the purposes of the extension of Billingsgate Market shall as from the respective dates of their acquisition by the Corporation cease to be legal quays within the meaning of the Acts 9 & 10 Vict. c. cccxcix. and 10 & 11 Vict. c. cc. for the landing or discharging lading or shipping of any goods wares and merchandise or any other purpose whatsoever and all or any rights under the said Acts over or in respect of such quays or wharves shall be extinguished.

As to legal quays acquired under Act of 1937.

8.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

Charges in respect of aerodrome undertaking.

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for

maintaining order in and for regulating the use of any premises used in connection therewith Any such byelaws shall be made in accordance with the provisions with respect to byelaws made by the common council contained in the Public Health (London) Act 1936 save that the confirming authority shall be the Secretary of State for Air.

(3) The aerodrome undertaking shall be in the same relation to the Secretary of State for Air and subject to the like control by him under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

Receipts
and
expenses of
aerodrome
under-
taking.

9.—(1) All money received by the Corporation on account of the revenue of the aerodrome undertaking (as defined in section 8 (Charges in respect of aerodrome undertaking) of this Act) shall be carried to and form part of the general rate of the city and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that rate.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of the aerodrome undertaking in the construction renewal extension and improvement thereof in the provision of working capital therefor or in the formation of a reserve fund.

(3) The Corporation shall keep their accounts in respect of the aerodrome undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as to show in each case the amounts expended in respect of each of the following purposes (that is to say) :—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to the reserve fund to be formed as hereinafter provided.

(4) The Corporation may (if they think fit) provide a reserve fund in respect of the aerodrome undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund or funds so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had to such reserve fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(6) In this section "statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority other than annuities rentcharges or securities transferable by delivery.

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Costs of Act.

10. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of city's cash and out of the general rate of the city in such proportions as the Corporation may deem just.

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